

Appl. No. 10/664,560
Docket No. 9364
Amdt. dated January 4, 2010
Reply to Office Action mailed on December 1, 2009
Customer No. 27752

REMARKS

Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that at least a portion of the consumer accessible tab that is accessible to a consumer is positioned between the tail end of the multi-ply fibrous structure and the tail seal glue. Support for this amendment is found in the Specification and in the Drawings.

Claims 1-2, 10-12, and 14-15 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over U.S. Patent Nos. 3,960,272 and 3,912,571

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 3,960,272 to Hartbauer, et al., (“Hartbauer I”) and U.S. Patent No. 3,912,571 to Hartbauer, et al., (“Hartbauer II”) (collectively referred to as “Hartbauer”). The Examiner asserts that Hartbauer in Figs. 11-14 teaches a rolled multi-ply product having a tail portion, wherein a fold is formed in the tail portion that constitutes a tail end for grasping by a consumer.

Applicants respectfully submit that Hartbauer fails to teach each and every element of Claim 1, the independent claim, as amended, because Hartbauer fails to teach a rolled multi-ply product having a consumer accessible tab wherein at least a portion of the consumer accessible tab that is accessible to a consumer is positioned between the tail end of the multi-ply fibrous structure and the tail seal glue. Accordingly, Applicants submit that Claim 1, as amended, is not rendered obvious over Hartbauer. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12, and 14-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hartbauer. MPEP 2143.03.

Appl. No. 10/664,560
Docket No. 9364
Amdt. dated January 4, 2010
Reply to Office Action mailed on December 1, 2009
Customer No. 27752

Rejection Under 35 USC §103(a) Over U.S. Patent Nos. 3,960,272 and 3,912,571 and
further in view of U.S. Patent No. 6,924,042

Claims 1-2, 10-12, and 14-15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hartbauer, discussed above, and further in view of U.S. Patent No. 6,924,042 to Von Paleske ("Von Paleske").

Applicants respectfully submit that Hartbauer in view of Von Paleske fails to teach each and every element of Claim 1, the independent claim, as amended, because Hartbauer in view of Von Paleske fails to teach a rolled multi-ply product having a consumer accessible tab wherein at least a portion of the consumer accessible tab that is accessible to a consumer is positioned between the tail end of the multi-ply fibrous structure and the tail seal glue. Accordingly, Applicants submit that Claim 1, as amended, is not rendered obvious over Hartbauer in view of Von Paleske. MPEP 2143.03. Further, Applicants submit that Claims 2, 10-12, and 14-15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hartbauer in view of Von Paleske. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
Signature
C. Brant Cook
Registration No. 39,151
(513) 983-1004

Date: January 4, 2010
Customer No. 27752
(Amendment-Response to Office Action.doc)
Revised 02/09/2009